

U.S. Application No. 09/699,019, filed October 27, 2000
Attorney Docket No. 15258US05
Response dated August 18, 2008
In Reply to Office Action mailed April 16, 2008

REMARKS

Applicants gratefully acknowledge the indication by the Examiner that claims 2-11, 14-19, 36-45 and 47-53 recite patentable subject matter.

Claim 1 recites, in part, “a first polyphase filter to output ... **an inverted first phase**” and “a second polyphase filter having an input to receive **the inverted first phase**”.

In the Office Action at page 2, the Examiner alleges that the first filter is “15 of fig. 1” and that the second filter is “21 of fig. 1” of Coppola.

It must be noted that FIG. 1 of Coppola clearly shows that no output of bandpass filter 15 (alleged first filter) is received by an input of inverter 21 (alleged second filter). Clearly, bandpass filter 15 and inverter 21 are on different signal paths. Thus, inverter 21 (alleged second filter) does not have an input to receive the alleged inverted first phase of the bandpass filter 15 (alleged first filter).

Even if the Examiner did not mean inverter 21 as the second filter, but instead meant bandpass filter 22 as the second filter, the same problem exists since the bandpass filters 15, 22 are in different signal paths.

Even if the Examiner did not mean inverter 21, but instead meant inverter 16, the Examiner cannot show that the output of bandpass filter 15 has an inverted phase. Where does Coppola support the notion that the output of bandpass filter 15 is an inverted phase?

In addition, claim 1 recites, in part, “a first polyphase filter to output ... a first phase and an inverted first phase”. In the Office Action at page 2, the Examiner alleges that the first filter is “15 of fig. 1” or, in other words, bandpass filter 15.

Look carefully at FIG. 1 of Coppola. It looks like there is only ONE input into bandpass filter 15 and only ONE output from bandpass filter 15. Yet, claim 1 states that the first filter outputs a first phase and an inverted first phase.

The Examiner needs to explain as part of his *prima facie* case of obviousness how the ONE output of bandpass filter 15 is BOTH a first phase and an inverted first phase.

Also, the Examiner needs to explain how Coppola teaches that bandpass filter 15 provides an inverted first phase.

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Also, the Examiner needs to explain how Coppola teaches bandpass filter 15 outputs a first phase and an inverted first phase with recited relationship between the two.

Davie, as alleged, does not make up for the deficiencies of Coppola. Thus, the combination of Coppola and Davie, as alleged, does not present a *prima facie* case of obviousness.

The Examiner is reminded that “[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” M.P.E.P. § 2142.

Since the Examiner has not presented even a *prima facie* case of obviousness, Applicant is under no obligation to submit evidence of nonobviousness.

For at least the above reasons, it is respectfully requested that the rejection under 35 U.S.C. § 103(a) be withdrawn with respect to claims 1-19.

Some of same or similar argument may be made, if appropriate, with respect to the other rejected claims.

For at least the above reasons, it is respectfully submitted that the present application is condition for allowance.

Applicants do not necessarily agree or disagree with the Examiner’s characterization of the documents made of record, either alone or in combination, or the Examiner’s characterization of recited claim elements. Furthermore, Applicants respectfully reserve the right to argue the characterization of the documents of record, either alone or in combination, to argue what is allegedly well known, allegedly obvious or allegedly disclosed, or the characterization of the recited claim elements should that need arise in the future.

With respect to the present application, Applicants hereby rescind any disclaimer of claim scope made in the parent application or any predecessor or related application. The Examiner is advised that any previous disclaimer of claim scope, if any, and the alleged prior art that it was made to allegedly avoid, may need to be revisited. Nor should a disclaimer of claim scope, if any, in the present application be read back into any predecessor or related application.

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In view of at least the foregoing, it is respectfully submitted that the present application is in condition for allowance. Should anything remain in order to place the present application in condition for allowance, the Examiner is kindly invited to contact the undersigned at the below-listed telephone number.

The Commissioner is hereby authorized to charge any additional fees, to charge any fee deficiencies or to credit any overpayments to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Date: August 18, 2008

Respectfully submitted,

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